

ROADS AND TRAILS CHANGE IN USE PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT

www.parks.ca.gov/trails/usechangepeir

California State Parks Information Paper

1. What is a Program EIR (PEIR) and how does it relate to the Roads and Trails Change in Use Procedures (program)?

A PEIR is a first level environmental compliance document under the California Environmental Quality Act (CEQA). CEQA encourages the preparation of PEIRs for a series of projects that are logical parts of a chain of contemplated events, rules, or plans that govern the conduct of a continuing program. PEIRs generally analyze broad effects of the program, with the acknowledgement that site-specific environmental review may be required for individual projects under the program when they are proposed for implementation.

In regards to the Roads and Trails Program, procedures have been established that must be followed when the department is considering the change in use of roads and trails. In following those procedures, it may be determined that a change in use of a trail or road is warranted. If so, the department may need to make physical changes to the trail bed, alignment or other aspects of the trail or road that make it sustainable for new use. These changes may have a significant impact on the environment such as erosion, loss of endangered species habitat, disturbance to archaeological sites, etc. Also, the decision to change the use of a road or trail may have other effects, such as impacts to recreation if a trail is removed from use, or user safety if a new use is allowed.

The PEIR will analyze the broad potential effects of proposed road and trails change in use that would be recurrent for various projects throughout the state. It will provide project requirements to avoid various impacts in-so-far as possible. If significant impacts remain after the application of project requirements, the program EIR will identify mitigation measures to reduce potential impacts to a level that is less than significant.

Each change in use project tiered under the PEIR will necessarily be evaluated to determine the site-specific impacts if the project is to be implemented. Potential impacts that are identified in the site-specific review will be compared to a checklist of impacts evaluated under the PEIR to determine if those impacts have been addressed. If impacts have been addressed in the PEIR, the project can be implemented without further CEQA review; however, those impacts that were identified must be addressed by following the project requirements and mitigations identified in the PEIR. If, during site-specific site review there are found to be potential significant impacts that are not addressed in the PEIR, the department must prepare further environmental documentation in the form of a Mitigated Negative Declaration or another EIR.

Site-specific projects using the change in use procedures in parks with a federal nexus, such as those occurring on federal land, using federal funding and or requiring federal permits, are subject to NEPA (National Environmental Policy Act) analysis, which is not addressed in the PEIR. Site-specific projects under the PEIR are still subject to various environmental permits, as warranted.

2. How can the Public be involved in the PEIR?

The public has opportunities to be involved during the following phases:

- Notice of Preparation (NOP) period. The Notice of Preparation phase is an opportunity for the public to participate in scoping the contents of the document. During this phase the department solicits comments regarding the range of actions, alternatives, potential impacts, potential mitigation measures, and methods of assessment. The NOP for this PEIR was filed on September 7, 2010 and the comment period ran until November 30, 2010, well beyond the comment period of 30 days required by CEQA. The NOP period is now closed and we are currently organizing the comments for evaluation in developing the scope of the draft PEIR.
- Draft PEIR public review period. This is a 45 day period in which the draft PEIR with the preferred alternative is released to the public for review and comment. During this period, the department will be holding 2 public hearings (1 in northern California and 1 in southern California) to receive comments on the document.

Can the public submit comments even though the NOP deadline has passed?

Under CEQA, the department is not obliged to include any information submitted by agencies or the public after the close of the NOP period. However, we will review late comments and may include new information that we feel is warranted to help scope the document.

Public comments on the PEIR may be submitted by either mail, email or Fax.

Comments submitted by mail should be sent to:

Environmental Coordinator – Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

Comments submitted by email should be sent to: ceqansc@parks.ca.gov

(Note: In the Subject Line, write: 'Trails PEIR')

Comments can also be submitted by Fax to: (916) 445-8883; Please address faxes to: Environmental Coordinator – Trails PEIR

4. What is the project schedule?

Because the NOP period just closed, as well as current staff workload issues, we are still in the process of compiling comments. The comments will help us determine the scope of the draft document and the tasks involved in its preparation. Once we have analyzed the comments, we will be prepared to draft a schedule. Currently, we are estimating that the draft PEIR will be released for public review in the late summer/early fall of 2011; the Final PEIR will be prepared during the fall of 2011, and the Notice of Determination will be filed in the late fall of 2011. The Final PEIR will be available for implementation following the 30 day Statute of Limitations period following the filing of the NOD.

5. How will the program be implemented?

Training will be necessary for District Superintendents and pertinent staff involved with environmental review regarding the requirements of the PEIR and how to properly tier off of it. As stated above, a checklist of impacts addressed in the PEIR will be prepared and distributed to all districts to use when evaluating site specific-projects. It will be accompanied by a listing of all the project requirements and mitigations that must be followed in order to tier off of the PEIR.

6. How might this program affect State Parks and its users?

The PEIR will provide a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR. It will allow the department to focus on cumulative impacts that might otherwise be slighted in a case-by-case analysis.

The Roads and Trails Change in Use procedures will bring consistency department-wide in the way road and trail change in use is considered. It provides a methodology that includes evaluating existing trail conditions and prescribing remedial work that will result in increased sustainability, while reducing impacts to the environment caused by erosion and sedimentation.

Some of the possible effects to users resulting from implementation of the program may include additional user types sharing some trails, reduction of user types from some trails, permanent closure of some trails, and possibly rotating trail use between different user types. There likely are other affects to users that will emerge during analysis of public and agency comments.

Definition of Terms

What is a Negative Declaration?

When an agency has a project which is not exempt from the California Environmental Quality Act (CEQA), it must prepare an "initial study" to determine whether the project may have a significant adverse effect on the environment. If such an effect may occur, the Lead Agency must prepare an environmental impact report (EIR). If there is no substantial evidence for such an effect, or if the potential effect can be reduced to a level of insignificance through project revisions, a Negative Declaration can be adopted (Section 21080).

What is a Mitigated Negative Declaration?

The statement of a local government that a limited number of significant environmental impacts have been identified and that these impacts can be readily mitigated if the prescribed measures are implemented.

The statute provides that mitigated Negative Declarations are used "when the initial study has identified potentially significant effects on the environment, but

- (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and
- (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment" (Section 21064.5).

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